THE HON'BLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION No.24308 of 1998

Date: 05.07.2006

Between:

Mule Koti Reddy

… PETITIONER

AND

The Chairman,
The District Primary Education Programme,
Prakasam Bhavana, Ongole,
Prakasam District & others.

… RESPONDENTS

ORDER:

Heard Sri T. Rajendra Prasad, learned counsel for the petitioner and learned Government Pleader for School Education on behalf of the respondents.

The petitioner, who is a resident of Guntuvaripalli Village in Prakasam District, filed this writ petition, *inter alia*, seeking a writ of Mandamus declaring the action of the respondents herein in not taking steps to construct the school building in the place donated by the villagers under an agreement dated 26.06.1998 in favour of the 1st and 2nd respondents herein.

Several contentions urged on behalf of the petitioner especially with regard to the construction of the school in the place, which had already been donated by the villagers.

It is submitted that the land itself has been donated by the villagers for the purpose of constructing the school, and that without specifying any reason the respondents are constructing the school totally in a different place, which is not suitable for construction, and also difficult to the school going children in the rainy season.

Heard the learned counsel and also perused the material available on record.

It is seen that entire litigation goes around the executive policy decision, which has to be taken in respect of construction of the school building by the concerned authorities. This Court in exercise of

extraordinary jurisdiction under Article 226 of the Constitution of India cannot sit over any such judgment nor make any proper assessment to come to a right conclusion. Instead of going into the merits of the case, it would suffice in the interest of justice to permit the petitioner to approach the authorities for considering his case from more practical angle.

The writ petition is accordingly disposed of with a liberty to the petitioner to approach the 1st respondent by filing an appropriate comprehensive application pointing out all these aspects and also with similar such request. On such filing of the application, the 1st respondent shall pass orders in accordance with law.

_____

B. PRAKASH RAO, J

Date: 05.07.2006
ES